

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PACIFIC GAS AND ELECTRIC COMPANY (U 39 M), a California Corporation, and WILLIAM L. BRICKNER for an Order Authorizing the Sale and Conveyance of a Certain Parcel of Land in Alameda County Pursuant to the Public Utilities Code Section 851.

Application 02-12-033
(Filed December 20, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
SETTING PREHEARING CONFERENCE**

A prehearing conference (PHC) in this proceeding will be held at 10:00 a.m., Thursday, February 20, 2003, in the California Public Utilities Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California 94102.

1. Parties to Proceeding

The applicants are the Pacific Gas and Electricity Company (Company) and William L. Brickner. The protestant is the Office of Ratepayer Advocates (ORA). Applicants and the protestant are the parties to this proceeding, and they shall comply with the requirements of this ruling.

2. Issues to be Addressed

The Applicants request authority, under California Public Utilities Code Section 851, for Pacific Gas and Electricity Company (Company) to sell and convey a certain parcel of land located in Alameda County to William L. Brickner, as described in the application. Application (Dec. 20, 2002). The

application is opposed by ORA. Protest of the Office of Ratepayer Advocates (Jan. 27, 2003).

The Company also requests permission to remove the property from the rate base and record the sales proceeds as a benefit to its shareholders. The ORA objects to this proposed treatment of sales proceeds and recommends that the entire distribution of gains be paid to ratepayers.

Additionally, more information is necessary concerning the environmental characteristics of the subject property. This information is required to supplement the record so that, in considering the application, the California Public Utilities Commission may satisfy its obligations under the California Environmental Quality Act (CEQA), California Public Resources Code § 21000 *et seq.*

3. Prehearing Conference Statements

On or before February 14, 2003, the parties may file and serve PHC statements. Commission's Rules of Practice and Procedure R. 6.2. PHC statements may address the issues, need for hearing, schedule, and any matter related to the applicability of Article 2.5 of the Commission's *Rules of Practice and Procedure* to this proceeding. The parties should also identify and discuss anything else necessary for an expeditious and efficient completion of this proceeding.

4. Information Request

On or before the prehearing conference, applicants shall file and serve answers to the following questions, verified by at least one of the applicants:

- a. What is the current zoning of the subject property?
- b. Is there an existing structure on the subject property? Please describe the structure and its approximate size, transmission capacity (if any), and location on the property. Will the structure remain after the proposed transfer?

- c. Concerning Buyers' plans to construct a driveway across the subject property, please provide the approximate dimensions of the driveway, the amount of anticipated grading, and the driveway composition.
- d. Does applicant have any knowledge or information concerning the presence on the subject property of any species listed as threatened or endangered under federal or California law or of any habitat of these species? If so, please provide that information.
- e. Please submit one or more photographs of the subject property, taken within the last year.

5. Service of Pleadings

Parties should also come to the PHC prepared to discuss the desirability of adopting a rule that service of pleadings in this shall be by electronic mail, without concurrent service of a paper copy. Rule 2.3(b). If adopted, however, this rule would not vacate the Commission's rules regarding filing of paper copies, Rule 2.5, or the need to serve paper copies on any party without an electronic mail address.

6. Transcripts

Parties who desire an expedited or daily transcript should advise the Chief Hearing Reporter by telephone at (415) 703-2288 no later than three days prior to the PHC. Questions regarding the date, time or place for the PHC should be directed to the Calendar Clerk at (415) 703-1203.

Dated February 5, 2003, at San Francisco, California.

/s/ JOHN E. THORSON

John E. Thorson
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Prehearing Conference on all parties of record in this proceeding or their attorneys of record.

Dated February 5, 2003, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.